

## EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2007-1300-PST-E TCEQ ID: RN102378999 CASE NO.: 34412

RESPONDENT NAME: LANCASTER MINI MART INC. DBA LANCASTER MINI MART

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 3950 East Lancaster Avenue, Fort Worth, Tarrant County</p> <p><b>TYPE OF OPERATION:</b> convenience store with retail sales of gasoline</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired June 15, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b></p> <p><b>TCEQ Attorney:</b> Mr. Rudy Calderon, Litigation Division, MC 175, (512) 239-0205 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019</p> <p><b>TCEQ Enforcement Coordinator:</b> Mr. Harvey Wilson, Air Enforcement Section, MC 219, (512) 239-0321</p> <p><b>TCEQ Regional Contact:</b> Ms. Alyssa Taylor, DFW Regional Office, MC R-4, (817) 588-5828</p> <p><b>Respondent:</b> Mr. Salim K. Hirani, President, Lancaster Mini Mart Inc., 3950 East Lancaster Avenue, Fort Worth, Texas 76103</p> <p><b>Respondent's Attorney:</b> Mr. John L. Gamboa, Acuff &amp; Gamboa, L.L.P., 405 Park Plaza Building, 2501 Parkview Drive, Fort Worth, Texas 76102-5816</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint</p> <p><input checked="" type="checkbox"/> Routine</p> <p><input type="checkbox"/> Enforcement Follow-up</p> <p><input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> July 12, 2007</p> <p><b>Date of NOE Relating to this Case:</b> September 13, 2007</p> <p><b>Background Facts:</b> The EDP RP was filed January 16, 2008. The Respondent filed an answer and the case was referred to SOAH. The preliminary hearing was waived and the parties engaged in discovery. The agreed order was signed March 19, 2009.</p> <p><b>Current Compliance Status:</b> No outstanding Technical Requirements.</p> <p><b>PST:</b> Failed to verify proper operation of the Stage II equipment at least once every 12 months [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Initial Calculated Penalty:</b> \$2,050</p> <p><b>Total Assessed:</b> \$2,050</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Order</p> <p><input type="checkbox"/> Financial Inability to Pay</p> <p><input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid/Due to General Revenue:</b> \$150/\$1,900</p> <p>The Respondent paid \$150 of the administrative penalty. The remaining amount of \$1,900 shall be payable in 19 monthly payments of \$100 each.</p> <p><b>Site Compliance History Classification</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent conducted and submitted the annual Stage II Vapor Recovery System test for 2006.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

DATES	Assigned	6-Aug-2007	Screening	13-Aug-2007	EPA Due	
	PCW	7-Nov-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Lancaster Mini Mart Inc. dba Lancaster Mini Mart
Reg. Ent. Ref. No.	RN102378999
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	34412	No. of Violations	1	
Docket No.	2007-1300-PST-E	Order Type	1660	
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	Philip DeFrancesco	
Multi-Media		EC's Team	Enforcement Team 6	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$2,500

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 7% Enhancement Subtotals 2, 3, & 7 \$175

Notes Enhancement for one prior NOV with same or similar violations and one NOV with dissimilar violations.

Culpability No 0% Enhancement Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 25% Reduction Subtotal 5 \$625

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes The Respondent came into compliance on July 12, 2007.

0% Enhancement\* Subtotal 6 \$0

Total EB Amounts \$1,056  
Approx. Cost of Compliance \$1,000  
\*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$2,050

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$2,050

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$2,050

DEFERRAL 0% Reduction Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY \$2,050

Screening Date 13-Aug-2007

Docket No. 2007-1300-PST-E

PCW

Respondent Lancaster Mini Mart Inc. dba Lancaster Mini Mart

Policy Revision 2 (September 2002)

Case ID No. 34412

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN102378999

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Philip DeFrancesco

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 7%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for one prior NOV with same or similar violations and one NOV with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 7%

<b>Screening Date</b> 13-Aug-2007 <b>Respondent</b> Lancaster Mini Mart Inc. dba Lancaster Mini Mart <b>Case ID No.</b> 34412 <b>Reg. Ent. Reference No.</b> RN102378999 <b>Media [Statute]</b> Petroleum Storage Tank <b>Enf. Coordinator</b> Philip DeFrancesco <b>Violation Number</b> <input type="text" value="1"/>	<b>Docket No.</b> 2007-1300-PST-E <b>PCW</b> <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision May 25, 2007</i>																			
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<b>Violation Description</b> <input style="width: 100%;" type="text" value="Failed to verify proper operation of the Stage II equipment at least once every 12 months. Specifically, the Stage II annual system compliance testing had not been conducted."/>																				
<b>Base Penalty</b> <input style="width: 100%;" type="text" value="\$10,000"/>																				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;"><b>Harm</b></td> <td></td> </tr> <tr> <td><b>Release</b></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td><b>Actual</b></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="vertical-align: middle;"><b>Percent</b> <input style="width: 50px;" type="text" value="25%"/></td> </tr> <tr> <td><b>Potential</b></td> <td style="text-align: center;">x</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>		<b>Harm</b>				<b>Release</b>	Major	Moderate	Minor		<b>Actual</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="25%"/>	<b>Potential</b>	x	<input type="text"/>	<input type="text"/>
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<b>&gt;&gt; Programmatic Matrix</b>																				
Matrix Notes	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td><b>Falsification</b></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="vertical-align: middle;"><b>Percent</b> <input style="width: 50px;" type="text" value="0%"/></td> </tr> </table> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation. </div>		Major	Moderate	Minor		<b>Falsification</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="0%"/>									
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monthly	<input type="text"/>																			
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annual	x																			
single event	<input type="text"/>																			
<div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> One annual event is recommended from the annual test due date of April 30, 2007 to the July 12, 2007 compliance date. </div>																				
<b>Economic Benefit (EB) for this violation</b>																				
<table style="width: 100%;"> <tr> <td style="width: 50%;"> <b>Estimated EB Amount</b> <input style="width: 100%;" type="text" value="\$1,056"/> </td> <td style="width: 50%; text-align: right;"> <b>Statutory Limit Test</b> </td> </tr> </table>		<b>Estimated EB Amount</b> <input style="width: 100%;" type="text" value="\$1,056"/>	<b>Statutory Limit Test</b>																	
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## Economic Benefit Worksheet

Respondent Lancaster Mini Mart Inc. dba Lancaster Mini Mart  
Case ID No. 34412  
Reg. Ent. Reference No. RN102378999  
Media: Petroleum Storage Tank  
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,000	30-Apr-2007	12-Jul-2007	1.1	\$56	\$1,000	\$1,056
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost for annual testing to verify proper operation of the Stage II equipment. The Date Required is the date testing was due and the Final Date is the compliance date.

Approx. Cost of Compliance

\$1,000

TOTAL

\$1,056

# Compliance History

Customer/Respondent/Owner-Operator:	CN602734717	Lancaster Mini Mart Inc.	Classification: AVERAGE	Rating: 3.00
Regulated Entity:	RN102378999	LANCASTER MINI MART	Classification: AVERAGE	Site Rating: 3.00
ID Number(s):	PETROLEUM STORAGE TANK	REGISTRATION	755	
	REGISTRATION			
	PETROLEUM STORAGE TANK STAGE II	REGISTRATION	0000755	
Location:	3950 E LANCASTER AVE, FORT WORTH, TX, 76103			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	August 15, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	August 15, 2002 to August 15, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Philip DeFrancesco	Phone:	(817) 588-5933	

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner?

4. If Yes, who was/were the prior owner(s)?  
Lancaster Mini Mart, Inc.  
DIAMOND SHAMROCK REFINING
5. When did the change(s) in ownership occur?  
11/04/2004

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government.  
N/A

- B. Any criminal convictions of the state of Texas and the federal government.  
N/A

- C. Chronic excessive emissions events.  
N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 11/14/2002 (16673)
- 2 11/23/2004 (340485)
- 3 01/11/2005 (346811)
- 4 04/26/2006 (459008)
- 5 08/02/2007 (567759)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 11/23/2004 (340485)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)[G]

Description: Failure to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable CARB Executive Order, and free of defects that would impair the effectiveness of the system.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.248(1)[G]

Description: Failure to ensure that the facility representative made sure that every current and future employee is aware of the purposes and correct operating procedures of the Stage II system.

Date: 04/26/2006 (459008)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.245(2)[G]

Description: Failure to conduct annual testing

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
LANCASTER MINI MART INC.  
DBA LANCASTER MINI MART;  
RN102378999**

§  
§  
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§  
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§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1300-PST-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Lancaster Mini Mart Inc. dba Lancaster Mini Mart ("Lancaster Mini Mart") under the authority of TEX. WATER CODE ch. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, Lancaster Mini Mart, represented by John Gamboa of the law firm of Acuff & Gamboa, L.L.P., appear before the Commission and together stipulate that:

1. Lancaster Mini Mart owns and operates a convenience store with retail sales of gasoline located at 3950 East Lancaster Avenue, Fort Worth, Tarrant County, Texas (the "Station")
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules
3. The Commission and Lancaster Mini Mart agree that the Commission has jurisdiction to enter this Agreed Order, and that Lancaster Mini Mart is subject to the Commission's jurisdiction.
4. Lancaster Mini Mart received notice of the violations alleged in Section II ("Allegations") on or about September 18, 2007.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Lancaster Mini Mart of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of two thousand fifty dollars (\$2,050.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Lancaster Mini Mart paid one hundred fifty dollars (\$150.00) of the administrative penalty. The remaining amount of one thousand nine hundred dollars (\$1,900.00) of the administrative penalty shall be payable in 19 monthly payments of one hundred dollars (\$100.00) each, pursuant to 30 TEX. ADMIN. CODE § 70.9(a). The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Lancaster Mini Mart fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Lancaster Mini Mart's failure to meet the payment schedule of this Agreed Order constitutes the failure by Lancaster Mini Mart to timely and satisfactorily comply with all of the terms of this Agreed Order
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Lancaster Mini Mart agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Lancaster Mini Mart conducted and submitted the annual Stage II Vapor Recovery System test for 2006.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Lancaster Mini Mart has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

During an investigation conducted on July 12, 2007, a Fort Worth Department of Environmental Management investigator documented that Lancaster Mini Mart violated 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to verify proper operation of the Stage II equipment at least once every 12 months. Specifically, the Stage II annual system compliance testing had not been conducted.

## III. DENIALS

Lancaster Mini Mart generally denies each allegation in Section II ("Allegations").

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Lancaster Mini Mart pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Lancaster Mini Mart's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Lancaster Mini Mart Inc. dba Lancaster Mini Mart, Docket No. 2007-1300-PST-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon Lancaster Mini Mart. Lancaster Mini Mart is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station's operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Lancaster Mini Mart in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

4. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order Lancaster Mini Mart, or three days after the date on which the Commission mails notice of the Order to Lancaster Mini Mart, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

May. 20. 2009 8:36AM

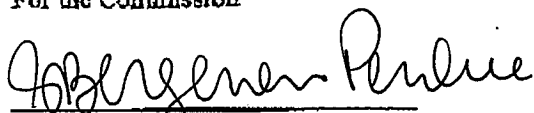
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## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

7/10/2009

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on Lancaster Mini Mart's compliance history;
- Greater scrutiny of any permit applications submitted by Lancaster Mini Mart;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against Lancaster Mini Mart;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Lancaster Mini Mart; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Salim Hirani

Name (Printed or typed)

Authorized representative of

Lancaster Mini Mart Inc. dba Lancaster Mini Mart

Date

President

Title